IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 125 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BISLERI INTERNATIONAL PVT. LTD.

Versus

BISIL PLAST LTD.

Appearance:

1. Appeal from Order No. 125 of 2004

MR YJ TRIVEDI for Appellant No.

MR NEHAL R JOSHI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 25/01/2005

ORAL JUDGEMENT

1. The appellant has preferred this appeal from order being aggrieved by the order dated 05/03/2004 passed by the learned Judge, Court No.19, City Civil

Court, Ahmedabad in Civil Suit No.334 of 2004 in Order below exh.7.

2. While admitting this Appeal from Order, this Court in Civil Application No.3027 of 2004 had granted ad-interim relief in terms of Para - 8(A) of the application by which the respondent was restrained from manufacturing, marketing, printing, publishing, packing and advertising its products including drinking water or other likewise goods under the trade mark Bisleri and / or any other trade mark deceptively similar to the appellant's trade mark Bisleri till the final disposal of the appeal. The said ad-interim relief was continued till further orders by order dated 17/09/2004. Now, as status quo is operating, it would be appropriate to direct the parties to maintain the said position till the suit pending before the said Court is finally disposed of.

3. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met, if the appellant is directed to make an application for expediting the hearing of the suit in question.

4. Therefore, without entering into the merits of the matter, the appellant is directed to make an application for expediting the hearing of the suit being Civil Suit No.334 of 2004 pending before the Court of the learned Judge, Court No.19, City Civil Court, Ahmedabad. On receipt of the said application from the appellant, the trial Court shall hear and dispose of the suit in question as expeditiously as possible and preferably within a period of three years from the date of the said application.

5. With the above observations and directions, the Appeal from Order stands disposed of. Parties are directed to maintain status quo till the said suit is finally disposed of. Office is directed to send writ of this order forthwith.

[K.S. JHAVERI, J.]
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